

AMENDMENT OF FORMAL COMPLAINT

(a) Amendments Adding Related Facts or Charges. Disciplinary counsel may amend a formal complaint at any time to add facts or charges that relate to matters in the formal complaint or to the respondent lawyer's conduct regarding the pending proceedings. The respondent may, within 10 days of service of the amendment, object to the amendment by a motion to the hearing officer. The hearing officer will consider the motion under the procedure provided by ELC 10.8.

(b) Amendments Dismissing Charges. Disciplinary counsel may dismiss charges at any time and amend a formal complaint accordingly. The respondent may, within 10 days of service of the amendment, object to the amendment by a motion to the hearing officer. The hearing officer will consider the motion under the procedure provided by ELC 10.8.

(c) Other Amendments. Disciplinary counsel must obtain authorization from the chief hearing officer for amendments other than those under subsections (a) or (b) or ELC 10.3(c). Disciplinary counsel must give respondent notice of a request for authorization to amend. A request to amend will be considered under the procedure provided by rule 10.8. The chief hearing officer, after consultation with any assigned hearing officer, may authorize the amendment, may require that the additional facts or charges be the subject of a separate formal complaint, or may direct disciplinary counsel to report the matter to a review committee under rule 5.7(c).

(d) Decision. In ruling on a motion under this rule, a hearing officer or the chief hearing officer may grant or deny the motion in whole or part. Authorization to amend should be freely given when justice so requires.

(e) Service and Answer. Disciplinary counsel serves an amendment to a formal complaint on the respondent as provided in rule 4.1 but need not serve a Notice to Answer with the amendment. Rule 10.5 governs the answer to an amendment except that any part of a previous answer may be incorporated by reference.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; September 1, 2017.]